

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, NOVEMBER 6, 2003**

PRESENT: Walter L. Alcorn, Commissioner At-Large  
John R. Byers, Mount Vernon District  
Frank de la Fe, Hunter Mill District  
Joan M. DuBois, Dranesville District  
Janet R. Hall, Mason District  
John B. Kelso, Lee District  
Ronald W. Koch, Sully District  
Ilryong Moon, Commissioner At-Large  
Peter F. Murphy, Jr., Springfield District  
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Commissioner Harsel, Braddock District  
Commissioner Smyth, Providence District

//

The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy, Jr.

//

**COMMISSION MATTERS**

Chairman Murphy announced that on Tuesday, November 4, 2003, Commissioner Ilryong Moon, At-Large, had been elected as an At-Large member of the Fairfax County School Board; Commissioner Linda Smyth had been elected to succeed Providence District Supervisor Gerry Connolly, the new Chairman-Elect of the Fairfax County Board of Supervisors; and Commissioner Joan DuBois had been elected as the new Supervisor of the Dranesville District. Chairman Murphy also announced that Lee District Commissioner John Kelso's term would expire at the end of the year and he had decided not to seek reappointment since he will be relocating. Chairman Murphy also congratulated all the other incumbent members of the Board of Supervisors who were re-elected.

//

**SE 2003-MV-021 – AMERICAN LEGION POST 162 (Decision Only)**

(The public hearing on this application was held on October 23, 2003. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE SE 2003-MV-021, SUBJECT TO DEVELOPMENT CONDITIONS DATED 22 OCTOBER 2003.

Commissioner Wilson seconded the motion which carried by a vote of 7-0-3 with Commissioners DuBois, Alcorn and Moon abstaining; Commissioners Harsel and Smyth absent from the meeting.

Commissioner Byers also MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS AND A WAIVER OF THE BARRIER REQUIREMENTS AROUND THE ENTIRE SITE TO PERMIT THE EXISTING VEGETATION AND FENCING TO SATISFY THE SCREENING REQUIREMENTS.

Commissioner Wilson seconded the motion which carried by a vote of 7-0-3 with Commissioners DuBois, Alcorn and Moon abstaining; Commissioners Harsel and Smyth absent from the meeting.

//

FS-V03-31 – SPRINT PCS – 8751 Richmond Highway

Commissioner Byers MOVED THAT THE PLANNING COMMISSION CONCUR IN THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY SPRINT FOR THE EXISTING MOTEL BUILDING AT 8751 RICHMOND HIGHWAY BE FOUND IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioner Wilson seconded the motion which carried by a vote of 9-0-1 with Commissioner Kelso abstaining; Commissioners Harsel and Smyth absent from the meeting.

//

FS-Y03-29 – OMNIPOINT/T-MOBILE USA – 14685 Avion Parkway

Commissioner Koch MOVED THAT THE PLANNING COMMISSION CONCUR IN THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY OMNIPOINT/T-MOBILE USA FOR THE EXISTING OFFICE BUILDING LOCATED AT 14685 AVION PARKWAY IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Smyth absent from the meeting.

//

FSA-67-2 – AT&T WIRELESS SERVICES, 3407 Moray Lane

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FSA-67-2 IN THE MASON DISTRICT.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Smyth absent from the meeting.

//

FS-M03-27 – OMNIPOINT/T-MOBILE USA – 5515 Cherokee Avenue

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-M03-27, OMNIPOINT/T-MOBILE USA.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Smyth absent from the meeting.

//

FS-M03-30 – SPRINT PCS – 6606 Leesburg Pike

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-M03-30.

Commissioner Byers seconded the motion which carried by a vote of 9-0-1 with Commissioner Kelso abstaining; Commissioners Harsel and Smyth absent from the meeting.

//

FS-L03-28 – OMNIPOINT COMMUNICATIONS/T-MOBILE – 3900 San Leandro Place

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-L03-28.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Smyth absent from the meeting.

//

FSA-L96-72-1 – AT&T WIRELESS SERVICES – 6209 Rose Hill Drive

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" AMENDMENT IN THE MATTER OF FSA-L96-72-1.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Smyth absent from the meeting.

//

#### LOW IMPACT DEVELOPMENT TECHNIQUES BRIEFING

Carl Bouchard, Director, Stormwater Planning Division, Department of Public Works and Environmental Services, briefed the Commission on Low Impact Development Techniques (LID). He handed out copies of LID definitions and an Executive Summary produced by the Department of Housing and Urban Development, copies of which are in the date file.

Mr. Bouchard showed slides comparing LID and conventional development, depicting soil ecosystems functions, and maintenance of the hydrologic system. He stated all green space could be designed to be hydrologically functional and to filter run-off. He also presented several slides showing how landscaping, roof storage, and sidewalks could be used to implement LIDs. (A copy of the slides is in the date file.)

A question and answer session took place after the slide show presentation.

//

#### ORDER OF THE AGENDA

In the absence of Secretary Harsel, Chairman Murphy set the following order for the agenda:

1. CHESAPEAKE BAY PRESERVATION AREA, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) MAP AMENDMENTS
2. PUBLIC FACILITIES MANUAL AMENDMENT (STREET LIGHTS)

This order was accepted without objection.

//

CHESAPEAKE BAY PRESERVATION AREA, CHAPTER 118  
(CHESAPEAKE BAY PRESERVATION ORDINANCE) MAP  
AMENDMENTS - The proposed amendments revise the Resource Protection Area boundaries on the adopted map of Chesapeake Bay Preservation Areas. There are no proposed amendments to the text of the Chesapeake Bay Preservation Ordinance. PUBLIC HEARING.

John Friedman and Matthew Meyers, Department of Public Works and Environmental Services (DPWES), presented the staff report, a copy of which is in the date file. Mr. Friedman noted that staff recommended approval of the advertised maps dated October 20, 2003, with the

CHESAPEAKE BAY PRESERVATION ORDINANCE  
MAP AMENDMENTS

November 6, 2003

substitution of revised map pages dated November 6, 2003 for the like numbered pages dated October 20, 2003.

Responding to Commissioner Alcorn's request, Mr. Friedman verified that the Resource Protection Area (RPA) had to be shown on the map and in compliance with the text.

In response to a question from Commissioner Alcorn, Mr. Friedman explained that perennial streams must be depicted on the map and that they could either be eliminated or reclassified administratively, if necessary. He also said the width of the RPA could be adjusted based on the text; however, to add a perennial stream required action by the Board of Supervisors.

Responding to a question from Commissioner de la Fe, Mr. Meyers clarified the difference between the maps and the addendum text. He stated one of the goals for the Stream Mapping Project had been to complete the study started in 1993 and that field studies conducted by DPWES had been recently completed. He pointed out the new maps showed a stream segment and said that the RPA boundaries would not change on any of the maps presented.

There were no listed speakers; therefore Chairman Murphy called for speakers from the audience.

Keith Martin, Esquire, of Walsh, Colucci, Lubeley, Emrich, and Terpak, representing unidentified property owners, acknowledged that although the public hearing had been advertised, some residents had been under the impression this item would go straight to the Board and found out only this week it would be heard by the Planning Commission. Mr. Martin recommended an administrative process that would be less burdensome on the landowner to reestablish an RPA. Despite statements made that changes could be made along the way, Mr. Martin stated the onus was put on the landowner to disprove a proposed RPA. He cited an example in the Lee District where DPWES had determined that there was an RPA, but the map did not show it and now an RPA exception was required. Citing another example, Mr. Martin presented photographs of property in McLean showing discrepancies on the maps.

Mr. Martin responded to questions from Commissioners Alcorn and Wilson concerning the type and location of the streams shown on the Chesapeake Bay maps.

Michael Rolband, 6285 Clifton Road, Clifton, with Wetland Studies and Solutions, Inc., stated he was concerned that the pace of this proposal had moved too rapidly. He said he had not been aware a public hearing was scheduled and oftentimes information on the maps was not reflected accurately. He suggested that the existing RPA plan be reflected on the maps and that the maps be undated as RPA plans were prepared. Mr. Rolband also suggested each set of maps be printed with one date to avoid legal issues.

Mr. Meyers responded to questions from Commissioner Wilson about data used to make map determinations. He said all data, including field maps and data sheets, was available at the Stormwater Planning Division for citizens to review.

CHESAPEAKE BAY PRESERVATION ORDINANCE  
MAP AMENDMENTS

November 6, 2003

Mr. Friedman responded to Commissioner Wilson's questions regarding the RPA boundary dispute process. He explained that in order for a stream to be reclassified from perennial to intermittent, it would have to be demonstrated that there was no flow into the stream during a non-drought period.

In response to concerns expressed by Commissioner Wilson about the dispute process, Mr. Rolband said that he would like to see a less expensive way for citizens to settle disputes. He suggested one year be allowed to prove that a map was incorrect and that staff be authorized to correct the maps instead of submitting a formal RPA plan.

Responding to Commissioner Alcorn's question regarding the map legend, Mr. Meyers suggested that staff submit a revised legend to show distinctions between perennial streams shown by solid blue lines and intermittent streams shown by dashes.

In response to questions from Commissioners Alcorn and Wilson, Mr. Friedman explained the process for keeping the maps up-to-date.

Responding to Commissioner Alcorn's question regarding the width of an RPA, Mr. Rolband suggested that when RPA plans were approved by the County they be incorporated in that area and become part of the record. Mr. Rolband also suggested watching the streams in a year of normal rainfall because it was the only way to determine perenniality.

Commissioner Alcorn agreed that staff should be asked to come back in a year when new data had been submitted to them, from residents or industry, to see if the maps needed to be updated.

Jim Wheeler, address unknown, said that he had not received notice that an RPA had been imposed on his property and felt that he should have been notified.

Commissioner Alcorn commented this was the fourth public hearing on this topic and that workshops and Environment Committee meetings had also been held. In addition, he stated the State Chesapeake Bay Local Assistance Board had held a public hearing on this matter approximately five years ago.

There were no more speakers and no further comments or questions from the Commission. Mr. Friedman and Mr. Meyers had no closing staff remarks; therefore Chairman Murphy closed the public hearing and recognized Commissioner Alcorn for action on this case. (A verbatim transcript is in the date file.)

//

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED AMENDMENTS TO THE MAPS OF THE CHESAPEAKE BAY PRESERVATION AREAS AS SET FORTH IN

THE STAFF REPORT DATED OCTOBER 20, 2003 WITH THE FOLLOWING CHANGES: SUBSTITUTE THE MAP PAGES IN THE ADDENDUM TO THE STAFF REPORT DATED NOVEMBER 6, 2003 FOR THE LIKE NUMBERED MAP PAGES IN THE STAFF REPORT DATED OCTOBER 20, 2003 AND THAT THE NEW LEGEND IN THE NOVEMBER 6, 2003 DOCUMENT BE INCLUDED.

Commissioners de la Fe and Byers seconded the motion which carried unanimously with Commissioners Harsel and Smyth absent from the meeting.

Commissioner Alcorn also MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REQUEST STAFF TO REVIEW ALL NEWLY SUBMITTED DATA FOLLOWING CHALLENGES, AND FURTHERMORE MAKE ANY RECOMMENDED CHANGES TO THE MAPS AND PREPARE A REPORT ON NEWLY SUBMITTED DATA AND CHALLENGES TO THE PERENNIALITY DESIGNATION AND THE RESOLUTION OF THOSE CHALLENGES, WITHIN 12 MONTHS OF THE ADOPTION.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Smyth absent from the meeting.

Commissioner Alcorn FURTHER MOVED TO RECOMMEND THAT STAFF REVIEW THE PROCESS FOR KEEPING THE MAP UP-TO-DATE AND REPORT THE RECOMMENDATION BACK TO THE PLANNING COMMISSION AND BOARD OF SUPERVISORS WITHIN 12 MONTHS FOLLOWING ADOPTION OF THE MAPS.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Smyth absent from the meeting.

//

PUBLIC FACILITIES MANUAL AMENDMENTS (STREET LIGHTS)

- The proposed amendments are related to the provisions in the Public Facilities Manual dealing with streetlights (Chapter 7 of the PFM) and water and fire regulations (Chapter 9 of the PFM). The proposed amendments would become effective on December 9, 2003, at 12:01 a.m.  
PUBLIC HEARING.

Jan Leavitt, Department of Public Works and Environmental Services (DPWES), presented the staff report, a copy of which is in the date file. She stated staff recommended approval of the proposed amendments.

Walter Wozniak, DPWES, responded to a question from Commissioner Byers about the requirements for street lights along public roadways.

PUBLIC FACILITIES MANUAL AMENDMENTS  
(STREET LIGHTS)

November 6, 2003

In response to Chairman Murphy's comment, Mr. Wozniak verified that the funding for lights came from those who were responsible for maintaining private roadways, such as condominium or homeowners' associations.

Mr. Wozniak responded to Commissioner de la Fe's questions regarding payments to electrical companies such as Dominion Virginia Power and NOVEC.

There were no listed speakers. Chairman Murphy called for speakers from the audience, but received no response. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Wilson for action on this case. (A verbatim transcript is in the date file.)

//

Commissioner Wilson MOVED THAT WE DEFER THE DECISION ONLY ON THE PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL REGARDING STREET LIGHTS AND WATER AND FIRE REGULATIONS, AS STATED IN THE STAFF REPORT OF SEPTEMBER 29, 2003, TO A DATE CERTAIN OF NOVEMBER 20, 2003 WITH THE RECORD TO REMAIN OPEN UNTIL THEN.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Smyth absent from the meeting.

//

The meeting was adjourned at 10:14 p.m.  
Peter F. Murphy, Jr., Chairman

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Heidi E. Baggett

Approved on: April 19, 2006

---

Linda B. Rodeffer, Clerk to the  
Fairfax County Planning Commission